

## §16.22

GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects.

(2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

(Authority: Sec. 8001, Pub. L. 100-690, 102 Stat. 4181, 27 U.S.C. 215)

### §16.22 General requirements.

(a) *Legibility.* (1) All labels shall be so designed that the statement required by §16.21 is readily legible under ordinary conditions, and such statement shall be on a contrasting background.

(2) The first two words of the statement required by §16.21, i.e., “GOVERNMENT WARNING,” shall appear in capital letters and in bold type. The remainder of the warning statement may not appear in bold type.

(3) The letters and/or words of the statement required by §16.21 shall not be compressed in such a manner that the warning statement is not readily legible.

(4) The warning statement required by §16.21 shall appear in a maximum number of characters (i.e., letters, numbers, marks) per inch, as follows:

Minimum required type size for warning statement	Maximum number of characters per inch
1 millimeter .....	40
2 millimeters .....	25
3 millimeters .....	12

(b) *Size of type.* (1) Containers of 237 milliliters (8 fl. oz.) or less. The mandatory statement required by §16.21 shall be in script, type, or printing not smaller than 1 millimeter.

(2) Containers of more than 237 milliliters (8 fl. oz.) up to 3 liters (101 fl. oz.). The mandatory statement required by §16.21 shall be in script, type, or printing not smaller than 2 millimeters.

(3) Containers of more than 3 liters (101 fl. oz.). The mandatory statement required by §16.21 shall be in script, type, or printing not smaller than 3 millimeters.

(c) *Labels firmly affixed.* Labels bearing the statement required by §16.21 which are not an integral part of the container shall be affixed to containers of alcoholic beverages in such manner that they cannot be removed without

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thorough application of water or other solvents.

[T.D. ATF-294, 55 FR 5421, Feb. 14, 1990, as amended by T.D. 372, 61 FR 20723, May 8, 1996]

### Subpart D—General Provisions

#### § 16.30 Certificates of label approval.

Certificates of label/bottle approval or certificates of exemption from label approval on ATF Form 5100.31, issued pursuant to parts 4, 5, and 7 of this chapter for imported and domestically bottled wine, distilled spirits, and malt beverages, shall not be approved with respect to such beverage bottled on and after November 18, 1989, unless the label for the container of such beverage bears the health warning statement required.

[T.D. ATF-294, 55 FR 5421, Feb. 14, 1990, as amended by T.D. ATF-425, 65 FR 11892, Mar. 7, 2000]

#### § 16.31 Exports.

The regulations in this part shall not apply with respect to alcoholic beverages that are produced, imported, bottled, or labeled for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States: *Provided*, That this exemption shall not apply with respect to alcoholic beverages that are produced, imported, bottled, or labeled for sale, distribution, or shipment to members or units of the Armed Forces of the United States, including those located outside the United States.

#### § 16.32 Preemption.

No statement relating to alcoholic beverages and health, other than the statement required by §16.21, shall be required under State law to be placed on any container of an alcoholic beverage, or on any box, carton, or other package, irrespective of the material from which made, that contains such a container.

#### § 16.33 Civil penalties.

(a) *General.* Any person who violates the provisions of this part shall be subject to a civil penalty of not more than

\$10,000, and each day shall constitute a separate offense.

(b) *Adjusted penalty for violations occurring after October 23, 1996.* Pursuant to the provisions of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, the civil penalty provided for in paragraph (a) of this section shall be periodically adjusted in accordance with inflation. Accordingly, for violations occurring after October 23, 1996, the civil penalty shall be not more than \$11,000.

[T.D. ATF-385, 61 FR 54936, Oct. 23, 1996]

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